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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HARPO, INC. and OW LICENSING
COMPANY, LLC

Plaintiffs,

v.

NUU3 NUTRITION LLC, BRENDAN
O'SHEA, and DANNY O'SHEA,

Defendants.

Case No.: 2:23-cv-00899-JCM-MDC

**STIPULATION AND ORDER FOR
PERMANENT INJUNCTION**

Plaintiffs Harpo, Inc. ("Harpo") and OW Licensing Company, LLC ("OW"), on the one hand (collectively, "Plaintiffs") having filed a Complaint on June 7, 2023 against NUU3 Nutrition LLC ("NUU3"), Brendan O'Shea ("B. O'Shea"), and Danny O'Shea ("D. O'Shea"), on the other hand (collectively, "Defendants"), asserting claims for trademark

dilution, trademark infringement, unfair competition, and false advertising under the U.S. Trademark Act of 1946, 15 U.S.C. §§ 1051 *et seq.*, together with claims under Nevada common law for trademark infringement, unfair competition, and violation of the common law right of publicity, and NRS § 597.770, *et. seq* for unauthorized commercial use of a name; and the parties, having agreed upon a resolution of this matter prior to a trial on the merits, and having entered into a Confidential Settlement Agreement for that purpose on April 9, 2024; and such Settlement Agreement providing for, *inter alia*, the entry of a Permanent Injunction; and for good cause shown;

IT IS ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties, the signatories hereto, and the subject matter of this action.

2. Defendants, together with their officers, managers, agents, servants, affiliates, employees, subsidiaries, heirs, successors and assigns, and representatives thereof, and all other persons, firms or companies in active concert or participation with them or any of them, now or in the future, shall be and are hereby permanently enjoined and restrained from:

A. Making any and all use of the OPRAH trademark that is the subject U.S. Registration Nos. 1726373, 2521889, 3377275, 3765841, 2638506, 3246379, 3078245, 5093766, 4219210, 4321765, 5642150, 6428495, 5304997, 4368870, 4368871, 4526018, 5114356, 6754689, 5348132, and 5343107 (collectively, the “OPRAH Trademarks”), or any confusingly similar variation thereof, on or in connection with the packaging, marketing, advertising, promotion, or sale, anywhere in the world, of weight loss gummies or any other product or related service currently or in the future developed, advertised, marketed or sold by any of the Defendants or any entities owned or controlled by any of the Defendants (“Defendants’ Products/Services”), including without limitation, on any sales, advertising, promotional, marketing, packaging and/or labeling material, in any media, (“Packaging/Promotional Materials”) for or related to the Defendants’

1 Products/Services;

2 B. Making any and all use of Ms. Oprah Winfrey's name, image and/or
3 likeness ("Ms. Winfrey's Publicity Rights") on or in connection with the packaging,
4 marketing, advertising, promotion, or sale, anywhere in the world, of the
5 Defendants' Products/Services, including without limitation on any
6 Packaging/Promotional Materials for or related to the Defendants'
7 Products/Services; and

8 C. Disseminating, making and/or otherwise using any
9 Packaging/Promotional Materials for or related to Defendants' Products/Services
10 that are likely to cause consumers to believe that (a) Defendants' Products/Services
11 are products or services of Plaintiffs (or their successors in interest); (b) Defendants
12 or the Defendants' Products/Services are authorized or sponsored by, or affiliated or
13 connected with Plaintiffs (or their successors in interest), the OPRAH Family of
14 Marks, or any other product or services of either Plaintiff (or their successors in
15 interest).

16 3. Entry of this Permanent Injunction shall conclude this action to the prejudice
17 of any and all claims deemed merged and barred in accordance with the law, and this case
18 is otherwise voluntarily dismissed with prejudice with each party to bear their own
19 attorneys' fees and costs, except that the Court will retain jurisdiction to enforce this
20 Permanent Injunction and the Settlement Agreement, incorporated by reference.

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4. This Permanent Injunction may be signed in counterparts and may be obtained and exchanged by electronic mail.

Dated this 12th day of April, 2024.

IT IS SO AGREED AND STIPULATED:

**LEWIS ROCA
ROTHGERBER CHRISTIE LLP**

/s/ Meng Zhong

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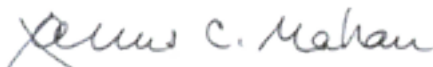
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and Danny O'Shea*

IT IS SO ORDERED:



UNITED STATES DISTRICT COURT JUDGE

DATED: April 17, 2024